

REMARKS

Applicants again appreciate the thorough examination of the present invention, as evidenced by the final Official Action. The final Official Action continues to reject all of the pending claims, namely Claims 1-31, under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,442,526 to Vance et al. In response to the final Official Action, Applicants have amended independent Claims 1 and 7, and dependent Claims 4, 5, 10 and 11, to more clearly define the claimed invention and to correct inadvertent typographical errors. Applicants have also added new Claims 32-45 to further clarify various patentable features of the claimed invention. As explained below, however, Applicants have not amended any of the claims in response to the rejection of the claims as being anticipated by the Vance patent. In this regard, Applicants respectfully submit that the claimed invention of the present invention is patentably distinct from the Vance patent. Thus, Applicants respectfully traverse the rejection of the claims as being anticipated by the Vance patent. In view of the amended and added claims, and the remarks presented herein, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

I. Request for Telephone Interview

Applicants' counsel again hereby requests a telephone interview after the Examiner has had an opportunity to review the remarks provided below. Such an interview would be brief and would focus only on the current rejections and cited references. Applicants' counsel, Andrew Spence, can be reached at 704-444-1411.

II. The Claimed Invention is Patentable over Vance

As background, the present invention is directed to display of desired fares, such as a lowest fare, to a user based on a user query. The invention receives a departure and destination from the user. From this, the system determines a desired fare between the departure and destination. As is understood, a fare may apply to several itineraries for different times and even different days. The system seeks to organize the various options for the fare for the user. Specifically, the system displays the fare in a calendar based system indicating the departure and

return days that the fare is available. This allows the user to more easily decide on which departure and returns days the desirable fare is available and may be booked.

As indicated above, the final Official Action continues to reject all of the pending claims, namely Claims 1-31, under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,442,526 to Vance et al. In this regard, the Vance patent discloses a system and method for processing travel data and travel receipts. As disclosed, the system receives travel data that includes one or more travel segments. The system also receives receipts for the trip, which can be received from a credit card provider. The received travel data and receipts can be converted into a predefined format, with the converted information thereafter compared to match information in the travel data and receipts, such as by chain codes or dates of travel. Then, a list of matching data can be output, such as for use in preparing an expense report.

A. Claims 1-12 Are Patentably Distinct from the Vance Patent

Amended independent Claims 1 and 7 of the present application provide a method and apparatus for processing a query of a travel database. As recited, the method includes receiving a selected arrival and departure locations, and thereafter finding a set of desirable fares between the arrival and departure locations. Possible itineraries are constructed between the arrival and departure locations associated with the desirable fares. A set of rules are then applied to the possible itineraries. As explained in the specification, for example, one or more rules can include a minimum and/or maximum number of required stays, advanced purchase requirements or the like. Irrespective of the rules, however, the method further includes querying an availability portion of the travel database for available travel units (e.g., available seats of an aircraft) based upon the applied set of rules and the possible itineraries. Thereafter, the available travel units are displayed in a calendar of a calendar-based user interface.

With regard to Claims 1 and 7, the Official Action alleges that Figure 14D of Vance teaches display of available travel units in a calendar. Applicants respectfully disagree. Figure 14D of Vance discloses the display of possible itineraries with no reference to the fare in a pop up window, not a calendar, as is recited in independent Claims 1 and 7.

As explained in response to the first Official Action, in contrast to the method and apparatus of independent Claims 1 and 7, the Vance patent does not teach or suggest displaying available travel units in a calendar-based user interface. The Vance patent does disclose a graphical user interface of a trip planning module, where the graphical user interface includes a calendar for displaying components of a trip planned by a user, such as by displaying a selected flight, hotel, and/or rental car. However, the graphical user interface of the Vance patent does not display available travel units (e.g., available seats), as does the claimed invention of independent Claims 1 and 7. Instead, the graphical user interface of the Vance patent displays only those components of a trip selected by the user.

Applicants further note that none of the other figures of Vance teach display of available travel units in a calendar. For example, Figures 14 E, H, and K nowhere teach or suggest display of available travel units in a calendar. Instead, the aircraft icons in these figures represent flights that have been booked by the user, not flights that are available. In this regard, Vance does not use a calendar as a tool for allowing the user to locate flights (travel units) that match a desired fare, but rather Vance discloses the use of an electronic calendar for travel planning, but does not teach or suggest that the calendar may help the user identify the proper dates to travel to obtain the desired fare. Simply stated, in accordance with one embodiment of the invention of the present application, if the user has only \$300 to spend on airfare, the user is presented with a calendar including the dates he/she can find available flights for just that price.

The Examiner may be inclined to think that these distinctions are trivial, but they are not. There is a fundamental difference between the claimed invention and the system of Vance. Vance is directed to displaying on a calendar flights and reservations after they have been booked. There is no discussion in Vance about the problems of displaying a fare that may be available for various departure and return dates to a user in a meaningful way. The claimed invention, on the other hand, realizes this issue and provides a solution by displaying the available dates for the fare in a calendar, so that the user can visually determine what are desired departure and return dates.

Generally, the calendar disclosed by the Vance patent provides an indication of reserved components of a travel itinerary, including an aircraft icon to indicate a flight reservation for a

given day and a hotel icon for a hotel reservation for a given day (see FIG. 14K). Therefore, the Vance patent does not teach or suggest that the calendar includes an indication of whether a travel unit is allowed on a pre-specified day based on a set of rules, as further recited by dependent Claims 3 and 9. Similarly, the Vance patent does not teach or suggest that the calendar includes an indication of whether a travel unit is available and/or sold out, as recited by dependent Claims 4 and 10. Further, the Vance patent does not teach or suggest that the calendar includes user-selectable hyperlinks for selecting a desired travel date, as recited by dependent Claims 6 and 12 (reciting a display as including the respective elements, the display being of at least a portion of the calendar per dependent Claims 5 and 11).

Applicants therefore again respectfully submit that the method and apparatus of amended independent Claims 1 and 7, and by dependency Claims 2-6 and 8-12, are patentably distinct from the Vance patent. As such, Applicants respectfully submit that the rejection of Claims 1-12 under 35 U.S.C. § 102(e) as being anticipated by the Vance patent is overcome.

B. Claims 13-19 Are Patentably Distinct from the Vance Patent

Independent Claim 13 of the present application recites a calendar-based user interface for displaying query results from a database containing travel data. The user interface includes a calendar showing a plurality of days corresponding to the query, and availability and applicability indicators for each of the days. As recited, the availability indicator for each day shows available itineraries relating to the query. The applicability indicator for each day, on the other hand, shows itineraries relating to the query that apply based on a set of rules and restrictions from travel providers.

In contrast to independent Claim 13, the Vance patent does not teach or suggest a user interface including a calendar, and an availability indicator for each day of the calendar that shows available itineraries relating to a query. Also, the Vance patent does not teach or suggest a user interface that includes an applicability indicator for each day of the calendar that shows itineraries that apply based on a set of rules and restrictions from travel providers. As explained above and in response to the first Official Action with respect to Claims 1-12, the Vance patent does disclose a graphical user interface including a calendar. The calendar of the Vance patent,

however, displays components of a trip planned by a user, such as by displaying a reserved flight, hotel, and/or rental car. The calendar of the Vance patent does not display, for each day, available fares relating to a query or itineraries related to the query that apply based on a set of rules and restrictions from travel providers, as recited by independent Claim 13.

The Vance patent does disclose a graphical user interface that shows a listing (not a calendar) of a number of flights between selected origination and destination locations (see FIG. 14D) including the availability of those flights. However, even the listing only shows those flights for a single date (see FIG. 14C), and not for each date of a calendar, as recited by independent Claim 13.

Thus, Applicants again respectfully submit that the user interface of independent Claim 13, and by dependency Claims 14-19, is patentably distinct from the Vance patent. Applicants therefore respectfully submit that the rejection of Claims 13-19 under 35 U.S.C. § 102(e) as being anticipated by the Vance patent is overcome.

C. Claims 20-31 Are Patentably Distinct from the Vance Patent

Independent Claims 20 and 26 recite a method and apparatus for administering an availability portion of a relational travel database. As recited, the method includes receiving an availability message from a first travel provider. The availability message is then analyzed to determine one or more affected travel segments. A schedule portion of the relational travel database is queried for the one or more affected travel segments. Thereafter, if the one or more affected travel segments are found in the schedule portion of the relational database, a record is written to an availability portion of the relational database based on a status portion of the availability message.

In contrast to independent Claims 20 and 26, the Vance patent does not teach or suggest a method or apparatus for administering an availability portion of a relational travel database, much less such a method or apparatus that includes receiving an availability message, analyzing the availability message, and writing a record to the availability portion of the relational database. The Official Action alleges that by disclosing the BargainFinderPlus feature of the Vance patent (see FIGS. 14P-14S), the Vance patent discloses analyzing an availability message

to determine one or more affected travel segments, querying a schedule portion of a relational travel database for the affected travel segment(s), and writing a record to an availability portion of the relational database based on a status portion of the availability message if affected travel segment(s) are found in the schedule portion.

Applicants respectfully submit, however, that instead of disclosing a technique for administering an availability portion of a relational travel database, the Vance patent discloses a feature that permits a user to search for flights priced lower than a selected flight. Vance Patent col. 12, ll. 6-20. If the user then desires to select a lower priced flight, the Vance system updates the user's travel log to reflect the changed flight. In this regard, as the user searches for lower priced flights based on a flight already selected, and receives a list of available lower priced flights, the BargainFinderPlus feature of the Vance patent cannot be considered a technique for administering the availability portion of a relational travel database, as does the claimed invention of independent Claims 20 and 26. More particularly, for example, the BargainFinderPlus feature cannot be considered to include receiving an availability message from a travel provider, the availability message then being analyzed to determine one or more affected travel segments. In this regard, any messages in the BargainFinderPlus feature of the Vance patent are received from the user, although in that instance the user is searching for lower priced flights, and not available flights since the user has already selected an available flight (that being compared for lower priced flights).

As the Vance patent does not teach or suggest a method or apparatus for administering an availability portion of a relational travel database, Applicants again respectfully submit that the invention of independent Claims 20 and 26, and by dependency Claims 21-25 and 27-31, is patentably distinct from the Vance patent. Applicants therefore respectfully submit that the rejection of Claims 20-31 under 35 U.S.C. § 102(e) as being anticipated by the Vance patent is overcome.

D. New Claims 32-45 Are Patentably Distinct from the Vance Patent

Applicants further respectfully submit that the methods of independent Claims 32 and 41 are patentably distinct from the Vance patent. Claims 32 and 41, albeit somewhat different

language, recite that the system displays in a calendar the dates that a given fare is available. This is nowhere taught or suggested by the Vance patent. Specifically, Figure 14D does not teach or suggest this aspect. First, Figure 14D does not disclose displaying fares at all. It only discloses display of itineraries for a given departure return date. There is no mention of the fare associated with the itineraries. Second, it does not disclose display of a fare in a calendar. The itineraries are in a pop up window. Finally, Figure 14D does not disclose display in a calendar all of the dates that the fare is available. At best, Figure 14D only shows itineraries for a given departure-return date combination selected by the user. (See Figure 14C). This is very different from the claimed invention, where a desired fare is displayed in a calendar to show all the dates that the fare is available. Because in Vance, the user inputs a specific departure-return date combination, see Figure 14C, there is no way that Vance teaches or suggests display of all the dates that a desired fare is available.

As discussed earlier, none of the other figures or their corresponding text disclose display in a calendar the days that a desired fare is available. Figures E, H, and K only show a particular itinerary that has already been selected by a user. It does not display various dates that a fare is available.

Applicants reiterate here that there is a big difference between Vance and the claimed invention. Vance displays itineraries for a user based on a specific departure-return date combination. In this environment, the display is not so complex as to not be discernable by a user. The claimed invention, however, is concerned with displaying a desired fare to a user and indicating all of the dates that that fare may be available. A fare may have a large number of itineraries associated therewith for different departure-return date combinations. To accomplish this, the claimed system displays graphically in a calendar the days that the fare is available, which allows the user to more readily decide which dates to select for departure and return.

Applicants respectfully submit that new independent Claims 32 and 41, as well as the claims that depend respectively therefrom, are patentably distinct from the Vance patent.

Appl. No.: 09/990,779
Filed: November 14, 2001
Amdt. Dated 02/21/2005

CONCLUSION

In view of the amended and added claims, and the remarks presented above, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

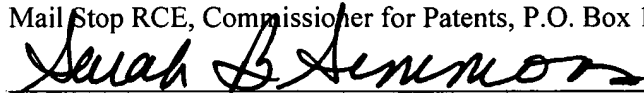


Andrew T. Spence
Registration No. 45,699

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

"Express Mail" mailing label number EV 521116294 US
Date of Deposit February 21, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to:
Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



Sarah B. Simmons

CLT01/4694976v1